

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-GSA PC

ORDER ADOPTING FINDING AND
RECOMMENDATION, GRANTING
DEFENDANT CABRAL'S MOTION TO
DISMISS, AND DISMISSING EIGHTH
AMENDMENT MEDICAL CARE CLAIM
AGAINST DEFENDANT CABRAL FOR
FAILURE TO EXHAUST (CLAIM 9)

(Docs. 81 and 122)

ORDER DISMISSING DEFENDANT CABRAL
FROM ACTION

Plaintiff Bryan E. Ransom ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On April 15, 2008, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff filed an Objection on May 22, 2008.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed April 15, 2008, is adopted in full;
2. Defendant Cabral's motion to dismiss, filed October 10, 2007, is GRANTED;
3. The Eighth Amendment medical care claim against Defendant Cabral is dismissed, without prejudice, for failure to exhaust (claim 9); and
4. Defendant Cabral is dismissed from this action.

IT IS SO ORDERED.

Dated: June 14, 2008

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE